

Consultation on a proposal for a Children and Young People Bill



RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

Please key F11 to move between fields

1. Name/Organisation

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3. Permissions - I am responding as...

Individual

/

Group/Organisation

Please tick as appropriate

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate Yes No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate Yes No

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

 Yes No

Sacro is delighted to take this opportunity to respond to the consultation on the Children and Young People Bill. Sacro agree that the proposed bill would encourage a 'change of pace' rather than a 'change of direction' and hope that the bill will speed up aspects of GIRFEC that many agencies have found difficult to implement due to confusion over policy; for example the lead professional vs. a named person and how to encourage or support agencies to work together more effectively with the child at the centre of the system.

Sacro provide a range of services across Scotland to children, young people and their families. Many of the young people we work with are affected by such confusion and have more than one plan in place, the plans are called different things in each agency and there is no identified lead professional or named person in many cases.

In a previous response to the Children's Right Bill, Sacro gave examples of why Scotland needs a clearer stronger way of ensuring a child or young persons rights are upheld and if not, the need for a robust route to challenge or appeal decisions. It is unclear from this Bill exactly how Ministers will ensure a child's rights are considered and upheld. Sacro still maintain a position that the UNCRC should be fully enshrined in Scot's Law.

Sacro's response focuses on Section 1 as Sacro has less direct involvement in the issues discussed in the second section so other than general comments below, these questions would be better answered by partner agencies who are directly involved in these types of care and support of children and young people. That said, Sacro endorse having a named person for every child. However, Sacro has seen the introduction of the named person confuse many agencies across Scotland for several years now. A universal approach may well address this confusion. However, there will still be debates between agencies in the public sector as to who is best placed to be the named person in each case and so some form of criteria and decision making steps could be helpful here.

Sacro also endorse the use of a single child's plan. Sacro have always welcomed the single plan and have promoted this approach wherever possible since the concept was introduced. However, it has been a difficult process to achieve a single plan for each child where more than one agency is working with them. Online web based plans were developed in some areas, but due to insecure IT systems these were abandoned and Sacro suggest that this should be investigated now that secure cloud technology has made significant advances.

Sacro have been involved in meetings where children and young people take part in their plan through holding 'solution focussed meetings'. Family Group conferencing is a similar approach that ensures the family, child or young people are central to their own plan. Evidence of these approaches shows that the plans are much more likely to succeed if the child, young person and their family are central to the decision made about a way forward.

Sacro also suggest that extra support for under 5 year olds ought to be universal. Although targeting support to where it is most needed could be argued as being the best use of resources, the argument that providing increased support to all children and families, regardless of means lessens the issues around stigmatising these children and families and may encourage those in need to access this provision.

Sacro also suggest that under the proposals around kinship care, the need to have a child's status changed to 'looked-after' to access funding is not helpful. Sacro also feel that kinship care should not be driven by financial gain but equally they should not be worse off by caring for a child in their own family. Robust structures should be put in place to support kinship carers.

CONSULTATION QUESTIONS

1. A SCOTLAND FOR EVERY CHILD

More effective rights for children and young people

1. Do you feel that the legislative proposals will provide for improved transparency and scrutiny of the steps being taken by Scottish Ministers and relevant public bodies to ensure the progressive realisation of children's rights?

Sacro feel that the proposals will go far in addressing issues around transparency and scrutiny. However, there is still a way to go. As stated in our response to the earlier Rights of Children and Young People Bill, a duty to give due regard to UNCRC is not enough and Sacro would like to see the UNCRC enshrined in law. It is not clear from the consultation whether the legal duty is still to give due regard to UNCRC. If this is the case then Sacro does not agree that this will give enough basis to ensure that Children and Young People's rights will be upheld. It is not clear what is meant by:

'a duty that requires Scottish Ministers to take appropriate steps to further the rights set out in the UNCRC. Such a duty would explicitly recognise Ministers' responsibilities towards the implementation of UNCRC whilst allowing them to pursue the progressive realisation of UNCRC rights'

Although Sacro does welcome these steps toward fully embracing the UNCRC in Scot's law. It would be helpful to have this clearly explained in legislation. It appears that Ministers will formulate a set of measures that would advance Children's Rights across policy, legislation and guidance. However, to ensure that the rights of a child are upheld Sacro feel that UNCRC compliance can only be ensured by the courts if it is a legal requirement to adhere to process as well as decision making.

A duty on Scottish Ministers to promote and raise awareness of UNCRC is very encouraging although again it is not clear how this will be achieved. An explanation of the steps to ensure this happens would be essential in the bill. Finally, it is also encouraging that the reporting cycle has been increased from 5 to every 3 years and that there is a duty to report on both Scottish Ministers and Public bodies. Sacro see this as a major step forward in transparency and promotion of children's rights.

2. On which public bodies should a duty to report on implementing children's rights be applied?

Sacro agree that a collective duty on public bodies to report on implementation of children's rights. All those on the list should have a duty to report on implementing rights. It is noted that the Crown Office is not present on the list and since it does deal with children it should be, it could also be helpful to add third sector agencies commissioned by any of the list too.

3. Do you agree that the extension of the Children's Commissioner's role will result in more effective support for those children and young people who wish to address violations of their rights?

Sacro welcome the extension as previously the earlier Bill relied on judicial review and the Children's Commissioner will have a more hands on direct influence on supporting individual

children and young people who feel that their rights have been violated as well as monitoring systems to prevent this happening in the first place. Previously the Children's Commissioner could only support groups of young people.

A new focus on wellbeing

4. Do you agree with the definition of the wellbeing of a child - or young person - based on the SHANARRI Wellbeing Indicators, as set out in the consultation document?

Yes, this is welcomed and is an improvement on the welfare focus. It should encourage Kilbrandon ethos of looking at resilience as well as needs where young people have offended and reduce the stigmatisation and labelling as well. Wellbeing is wider than welfare and is not an outcome as such, but has to be understood as a process of 'being' in a social context.

5. Do you agree that a wider understanding of a child or young person's wellbeing should underpin our proposals?

Yes, Sacro agree that this wider than welfare approach is more all encompassing and should help see the child at the centre as a whole person rather than treating component parts.

Better service planning and delivery

6. Do you agree that a duty be placed on public bodies to work together to jointly design, plan and deliver their policies and services to ensure that they are focussed on improving children's wellbeing?

A duty placed on public bodies to work together is welcomed as it will encourage individual organisations to work together more effectively. Sacro endorse this way of working, particularly having seen the success of the whole system approach pilot in Aberdeen. Sacro suggest that agencies that have been contracted in to provide all or part of their duty should be expected to work jointly in their place. There are implications for information sharing protocols, secure IT systems as well as shared workplace or collocated services, which would need consideration. This has always been a hindrance to effective joint working and imposing a duty might help people to address these issues once and for all.

7. Which bodies should be covered by the duties on joint design, planning and delivery of services for children and young people?

All bodies involved in the design, planning and delivery. Sacro cannot see why anyone would not have this duty. Even where commissioned to work on behalf of an organisation that has the duty then the duty is implied.

8. How might such a duty relate to the broader Community Planning framework within which key service providers are expected to work together?

The duty on community planning might be an opportunity to influence how agencies work together. A duty to collect and report on data would encourage effective practice as well as collect evidence of what works with young people and children.

Improved reporting on outcomes

9. Do you agree that we should put in place reporting arrangements making a direct link for the public between local services and outcomes for children and young people?

Sacro agree with this. A recent consultation around performance measures for adults promoted this approach, so the same approach should be taken with young people services. Measuring performance against SHANNARI/my world and other assessment tools to report on changes to the young person's life through changes to risk factors as well as wellbeing factors and resilience would be beneficial.

10. Do you think that these reporting arrangements should be based on the SHANARRI Wellbeing Indicators as set out in this consultation paper?

Yes, but also where other needs are apparent e.g. offending behaviour, then specialist outcomes should be added. E.g. Asset/LSCMI etc.

11. On what public bodies should the duty for reporting on outcomes be placed?

All public bodies involved with children and young people and/or their families.

Thank you for responding to this consultation.

Please ensure you return the respondent information form along with your response.

The closing date for this consultation is 25 September 2012. Please return to childrenslegislation@scotland.gsi.gov.uk